

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

BERN A. MORTBERG

v.

LITTON LOAN SERVICING, L.P.,  
BARRETT DAFFIN TURNER & ENGEL,  
LLP

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CASE NO. 4:10-CV-668  
(Judge Schneider/Judge Mazzant)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 30, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Litton Loan Servicing, L.P.'s Rule 12(b)(6) Motion to Dismiss and Brief in Support (Dkt. #22) should be granted.

The Court, having made a *de novo* review of Plaintiff's objections (Exception to Referee's Report, Dkt. #36), is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant Litton Loan Servicing, L.P.'s Rule 12(b)(6)

Motion to Dismiss and Brief in Support (Dkt. #22) is **GRANTED** and this case is **DISMISSED** with prejudice.

**It is SO ORDERED.**

**SIGNED this 22nd day of September, 2011.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE